

March 5, 1980

LB 605

CLERK: Mr. President, LB 605 was introduced by Senator Haberman. (Read title to LB 605.) The bill was read on January 9, referred to Judiciary for public hearing. The bill was advanced to General File. There are committee amendments by Senator Nichol's Judiciary Committee.

SPEAKER MARVEL: The Chair recognizes Senator Nichol. Senator Nichol, Judiciary Committee, you have amendments to 605.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, yes, the Judiciary does have committee amendments to 605 and the amendments do become the bill. So Senator Rex Haberman will take the amendments because they are the bill.

SPEAKER MARVEL: Okay, the Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and fellow colleagues, I would like to start out by saying and explaining why I introduced the bill. I introduced the bill because the State Patrol asked me to do so. I asked them, what support do you have for a bill of this nature, and they replied, the Game and Parks Commission, the National Guard, the Nebraska County Attorneys Association, Nebraska Sheriffs and Peace Officers Association, and since then we also have picked up the support of labor in Nebraska. I asked the State Patrol, why do you need this bill, and they said it was left out of the criminal code when they redid it. I said to them, do you need this bill? And they said, yes. So fellow legislators, I have faith in the State Patrol and the Game and Parks and the National Guard, and if they tell me that they need it and they will use it wisely, then I am going to support them. What does it mean? What does the bill do? It means that when three or more persons, which include cowboys, legislators, Mexican-Americans, Democrats, Republicans, American-Indians, Protestants, Roman Catholics, blacks, whites, editorial writers or farmers, when any of those people, three or more, engage in disorderly conduct and if such person intentionally creates an unreasonable risk of injury to the person or property of others by an act that serves no lawful person for the person committing the act, they or any person in the vicinity, may be ordered to disperse by an officer in uniform...by an officer in uniform, and if they do not disperse they may be arrested and charged with a class 3 misdemeanor. That is what the bill does. We have an Attorney General's Opinion that states that the bill would survive the constitutional challenge. It says the act authorizes action where an act has occurred.